

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

LEVI YODER, JONAS ZOOK, SAM ZOOK, JOHN L.
HERSHBERGER, MENNO S. HERSHBERGER, URIE
HERSHBERGER, MENNO L. GLICK, ANDY A. MILLER,
DANNIE L. SCHWARTZENTRUBER, MOSIE
SCHWARTZENTRUBER, PETER D. SCHWARTZENTRUBER,
BISHOP HARVEY MILLER, and BISHOP MOSE MILLER,

Plaintiffs,

Civil Case No.: 09-cv-0007
(TJM/GHL)

- against -

TOWN OF MORRISTOWN, LANETTA KAY DAVIS, in her
official capacity; FRANK L. PUTMAN, in his official capacity;
HOWARD WARREN, in his official capacity; DAVID STOUT, III,
in his official capacity; MARK BLANCHARD, in his official
capacity; CHRISTOPHER COFFIN, in his official capacity; and
GARY TURNER, in his official capacity,

Defendants.

NOTICE OF MOTION

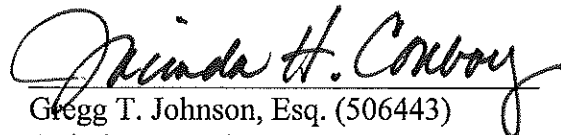
PLEASE TAKE NOTICE that upon the enclosed Affidavit of Attorney Jacinda H. Conboy all the exhibits attached thereto, Defendants' Memorandum of Law, and upon all prior pleadings and proceedings heretofore filed herein; the undersigned, on behalf of the Defendants, shall move this court before Honorable George H. Lowe, U.S.M.J. at 10:00 o'clock on March 18, 2010, or as soon thereafter as counsel may be heard, at the U.S. Courthouse and Federal Building, 100 S. Clinton Avenue, Syracuse, New York, for (a) an Order dismissing the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(7); or, in the alternative, an Order directing that St. Lawrence County and the State of New York be joined as parties pursuant to FRCP 19 and/or 20; and (c) for such other and further relief in favor of Defendants as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1(b)(1) opposition papers, if any, must be served upon the undersigned at least seventeen (17) days prior to the return date.

PLEASE ALSO TAKE FURTHER NOTICE that oral argument on the motion is requested.

Dated: February 5, 2010

LEMIRE JOHNSON, LLC

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